

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
McALLEN DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	Criminal No. 7:19-cr-00522
	§	
DANIEL GARCIA	§	

**RULE 404(B) MOTION: CHARACTER EVIDENCE**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Daniel Garcia, Defendant in the above-entitled and numbered cause, and pursuant to Rule 404(b) of the Federal Rules of Criminal Evidence, hereby requests that the Government be required to give Defendant reasonable notice in advance of trial of the Government's intention to introduce in the Government's case in chief any character evidence other than that arising in the same transaction, and as grounds therefor would show the Court as follows:

I.

Rule 404(b) of the Federal Rules of Criminal Evidence provides that evidence of other crimes, wrongs or acts of the defendant are not admissible to prove the character of a person in order to show that she acted in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity or absence of mistake or accident, provided upon timely request by the Accused, notice is given in advance of the trial of intent to introduce in the Government's case in chief such evidence other than that arising in the same transaction. Accordingly, the Defendant is entitled to reasonable advance notice if the Government intends to introduce such evidence in the Government's case in chief.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that the Court grant this motion and Order the Government to give Defendant reasonable notice in advance of the trial of its intent to introduce such evidence in the Government's case in chief.

Respectfully submitted,  
/s/ Clay S. Conrad  
CLAY S. CONRAD  
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Attorney for Defendant

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing Motion, has been delivered to the Assistant United States Attorneys responsible for litigation in this matter through the MC/ECF system on March 17, 2020.

/s/ Clay S. Conrad  
CLAY S. CONRAD

**CERTIFICATE OF CONFERENCE**

I hereby certify that I have attempted to confer with Mr. Roberto Lopez, Assistant United States Attorney for the Southern District of Texas, regarding this motion on March 17, 2020, and that he was opposed to the relief requested.

/s/ Clay S. Conrad  
CLAY S. CONRAD

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Criminal No. 7:19-cr-00522

**ORDER**

On this day Defendant's Rule 404(b) Motion was presented to the Court for its consideration. The Court rules that such motion is GRANTED.

IT IS THEREFORE ORDERED AND DECREED that the Government, pursuant to Rule 404(b), give Defendant notice, no less than 15 days before trial, of the Government's intention to introduce into the Government's case in chief any character evidence other than that arising from the same transaction.

SIGNED \_\_\_\_\_, 2020.

\_\_\_\_\_  
DISTRICT JUDGE